

MINUTES

A special meeting of the China Grove Town Council

**Tuesday, July 7, 2009
7:00 p.m.**

**China Grove Town Hall
China Grove, North Carolina**

CALL TO ORDER

Mayor Bringle called the meeting of July 7, 2009 to order. Mayor Bringle called roll. All council members were present, there was a quorum. The meeting started at 7:00 pm at the Municipal Building.

Mr. Overcash made a motion to adopt the agenda for the regular meeting of the Town Council on July 7, 2009 with an addition under New Business IV) Park Advisory Board Appointments and under Other Business I) Farmers Day Update. Mr. Bivens seconded the motion, which carried unanimously.

Mr. Lyseski made a motion to adopt the June 2, 2009 regular meeting. Mr. Withers seconded the motion, which carried unanimously.

Mr. Overcash made a motion to adopt the June 22, 2009. Mr. Welter seconded the motion, which carried unanimously.

CITIZEN COMMENTS

Mr. Pete Kluttz – Railroad Avenue

Mr. Kluttz brought in a bucket of asphalt to show the thickness of the pavement from last year's work on Railroad Avenue. He said that they have already repaired the area in front of his house three times. He also asked what the problem is with the American flags not flying on the fourth of July. He said that there are many flag holders broken.

Mayor Bringle stated that the South Rowan/Carson ROTC puts up the flags. He stated that the Town of China Grove is responsible for the brackets.

Mr. Ketner stated that they are putting up all of the flags that they have.

Mayor Bringle asked Mr. Ketner to take care of this problem.

Mr. Kluttz stated that there was a pole at the corner of the mill fence that was knocked down because of a wreck that occurred there. He stated that there are Christmas lights on this pole. He stated that he put the wiring up for Christmas lights many years ago and would appreciate someone taking care of this.

Mr. Ketner stated that the accident occurred within the past two weeks and the lights have been addressed and will be repaired.

Mrs. Barbara Welter – Hickory Nut Lane

Mrs. Welter stated that she is concerned about the sidewalk project and some of the locations that are selected shouldn't be and others should be. She stated that there needs to be a sidewalk from Doby's Upholstery to China Grove Middle School. She also stated that tattoo parlors should not be allowed within the Central Business District. She stated that she cares enough to come out to the meeting tonight to oppose tattoo parlors being allowed within CB. She also stated that she does not have a problem with it being located within Highway Business District.

Mayor Bringle stated that he has received several phone calls and went by the sidewalk from Liberty and Vance where the large Oak trees are located, and that there is one section of the sidewalk that is raised up about six inches and stated that this area needs to be looked at. He asked Mr. Ketner to look at this item.

Mr. Demian Stewart – W Centerview Street

Mr. Stewart brought a letter from Oasis Music, Eric Upton, who could not be present. He read the letter that stated that any business that brings revenue and customers to the town should be allowed. He stated that this should be welcomed. He stated that prejudice should not be shown towards these types of establishments/business owners. Mr. Stewart stated that he agrees with Mr. Upton. He stated that he has done some research of the demographics of the Town of China Grove as well as asking people that come into his business. He stated that most of those people were not in opposition of tattoo parlors.

PUBLIC HEARINGS

I) Rezoning Request Case #2009-04

Ms. Jackson reviewed the Staff Report provided to the town council. She stated that the planning board made a recommendation to approve the rezoning request of the .22 acres.

Mr. Welter asked if the property owners received the letters. He stated that the town should be required to send a registered letter so that we know that the property owner was informed.

Ms. Jackson stated that she did not receive a returned letter.

Mr. Brooke stated that Statute only requires first class mail.

Mayor Bringle opened the Public Hearing.

There were no comments.

Mayor Bringle closed the Public Hearing.

Mr. Withers made a motion to approve Statement of Consistency in the Rezoning Request Case #2009-04. Mr. Overcash seconded the motion. The motion carried 4-1 with Mr. Welter casting the opposing vote

Mr. Welter stated again that he believes a registered letter should have been sent.

Mr. Lyseski made a motion to approve Rezoning of a portion of Rowan County parcels 115 061 and 115 171 from Light Industrial to Suburban Residential. Mr. Withers seconded the motion, which carried unanimously.

II) Proposed Amendment to the UDO

Ms. Jackson reviewed the Staff Report provided to the town council. She stated that this only refers to future cases. She stated that the planning board made a positive recommendation to approve the proposed amendment to the UDO.

Mayor Bringle opened the Public Hearing.

Mr. Welter asked if the only change was to the dumpsters at the back.

Ms. Jackson stated that it was.

Mayor Bringle closed the Public Hearing.

Mr. Lyseski made a motion to approve the proposed amendment to Section 5.4.1.1 to the UDO. Mr. Withers seconded the motion, which carried unanimously.

III) Proposed Amendment to UDO and Repeal of Section 18-2 of the Code of Ordinances

Ms. Jackson reviewed the Staff Report provided to the town council. She stated that the ordinance states that tattoo parlors are not allowed at this time. She stated that she

recommended to business owners to come before the council and they have not done so. She stated that this was taken before the planning board and they made a positive recommendation to approve the proposed amendment.

Mr. Lyseski wished to clarify that if these recommendations are approved, it will only give the owner permission to come before the council with a request for a conditional use permit.

Ms. Jackson stated that is true. She stated that this will only allow them to come before the board to ask for a conditional use permit.

Mr. Welter stated that he believes the last thing we need is a tattoo parlor. He stated that it should only be located along the highway. He stated that it is not an appropriate business for downtown because most tattoo parlors stay open until early in the morning. He stated that he spoke with by Mr. Stewart and that he told him that there is not an ordinance restricting the hours of operation, and until then they will be allowed. He stated that this would bring trouble to the downtown area.

Mayor Bringle asked Interim Chief Bass about establishments in other towns that he has worked in.

Interim Chief Bass stated that he has not worked in a town where there has been a tattoo parlor; however, he believes that we have other businesses, such as bars, that he has to deal with and couldn't believe it would be much worse.

Mayor Bringle opened the Public Hearing.

Mrs. Welter stated that she would like to make the recommendation that the ordinance is left the way it is unless it is changed to only allowing them in HB Zoning Districts.

Mayor Bringle closed the Public Hearing.

Mr. Withers made a motion to repeal Section 18-2 Tattoo Parlors in the Code of Ordinances. Mr. Lyseski seconded the motion. The motion carried 4-1 with Mr. Welter casting the opposing vote.

Mr. Withers made a motion to approve proposed amendment to Section 3.9.2 Central Business Uses, Section 3.9 Highway Business uses and Section 3.14 Permitted Use Table to allow Tattoo Parlors in the CB and HB Zoning Districts with Conditional Use Permits. Mr. Overcash seconded the motion.

Mayor Bringle stated that he would have liked to have seen it changed to HB Zoning Districts only.

The motion carried 4-1 with Mr. Welter casting the opposing vote.

NEW BUSINESS

I) Code Enforcement Updates

Mr. Tony Cline stated that he worked 128 cases last fiscal year concerning property violations, public nuisance violations. He stated that he is present tonight to address the council to see if he is going at the right speed and aggression concerning property violations.

Mayor Bringle stated that there are some properties that have grass that is very high. He asked about the property on Hwy 152.

Mr. Cline stated that he will check into this property.

Mr. Pless stated that we are getting a little over run with signs. He stated that he is going to have Mr. Cline looking into this matter and wanted to inform the council.

Mr. Cline stated that if you go after one sign, you have to go after all of them. He stated that he has received complaints but wanted to be sure the council was aware of the situation and that he will be enforcing the issue for all signs that are in violation.

Mr. Welter stated that he does not see a problem with a temporary sign to advertise but it should be removed if it is up for six months or more. He also stated that there is a property owner next to his home that has grass that is too high.

Mr. Cline asked Mr. Welter to contact him with the address.

Mr. Cline stated that he has received a court order to remove a mobile home on Yost Road. He stated that a lien is being placed on this property for the expenses incurred.

Mayor Bringle asked citizens to contact town hall with complaints or concerns.

II) Drainage Issue Update – Bostian Street

Mr. Ketner stated that due to recent rains have caused the problem on Bostian Street to get worse. He stated that he wanted to inform the council of the estimates given for this project. He stated that we do not need to disclose the estimate at this time because they will need to have a sealed bid for the project.

Mayor Bringle asked how urgent this problem is.

Mr. Ketner stated that it would depend on the rain. He stated that the road could be damaged if there was a major rain. He stated it is a 5x7 box culvert made of brick and is very old.

Mr. Welter asked how much it would cost to replace the culvert.

Mr. Ketner stated it would be quite expensive but can look into the costs.

Mayor Bringle asked if the council would make a recommendation to allow Mr. Ketner to obtain three bids and to go with the lowest bidder.

Mr. Pless stated that he recommends the council approve the awarding of the lowest bid.

Mayor Bringle asked this item to be sent for bid and brought to the council in August, the council agreed.

III) Reading Days Resolution

Mayor Bringle reviewed the Reading Days Proclamation and asked the council to join with Rowan County, the City of Salisbury and other municipalities of Rowan County in support of the proclamation. He stated that the Reading Day for Southern Rowan County will be July 29, 2009 at South Rowan Public Library. He stated that he will be reading to children along with others. He asked Mr. Pless to be in contact with Landis to arrange the coordination of the event.

Mr. Lyseski made a motion to approve the Reading Days Proclamation. Mr. Withers seconded the motion, which carried unanimously.

IV) Park Advisory Board Appointments

Mayor Bringle reviewed the applications.

Mr. Lyseski nominated Traci Gledhill to fill a position on the Park Advisory to begin July 1, 2009 and run through June 30, 2011. Mr. Bivens seconded the motion, which carried unanimously.

Mr. Bivens nominated Sheena Honeycutt to fill a position on the Park Advisory to begin July 1, 2009 and run through June 30, 2011. Mr. Withers seconded the motion, which carried unanimously.

OLD BUSINESS

Mr. Pless gave an update on the Sidewalk Project. He stated that the surveying has completed. He encouraged those who are in opposition to the project to come to the next meeting. He stated that there are many sections that will not affect private property and would like to clarify the affects to each individual's property with facts of the plan. He stated that the meeting begins at 6:00pm on July 27, 2009. He stated that the mapping is available for the council's review.

Mr. Withers clarified that the grant money can not be used for any other project.

Mr. Pless stated that there are separate projects within the whole project and each individual project has a separate contract. He stated that what Mr. Withers stated was accurate.

Mr. Welter stated that these monies will not be available to other towns due to the economic situation.

OTHER BUSINESS

I) Farmers Day Update

Mr. Withers asked that a copy of the Ordinance restricting pets at Farmers Day be given to the Salisbury Post. He stated that booth space is well ahead. He also stated that t-shirts are available for sale at the banks downtown. He stated that the Fantastic Shakers will be the main entertainment.

Mayor Bringle stated that there is a meeting being held at the Community Building on July 28, 2009 concerning the NCDOT/Railroad.

Mayor Bringle stated that the Board of Elections opened Monday and there are three seats available on the Town of China Grove Town Council this year.

ADJOURN

Mr. Lyseski made a motion to adjourn. Mr. Overcash seconded the motion, which carried unanimously.

Respectfully Submitted,

Amanda A. Eller, Town Clerk

Donald E. Bringle, Mayor